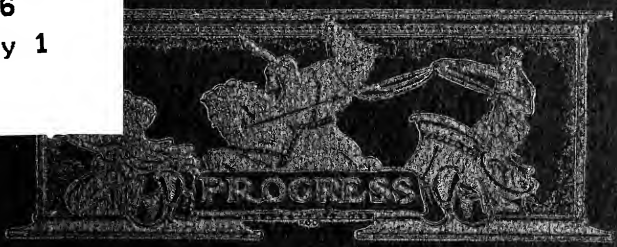

PATENT MANUEL

For Inventors and Manufacturers

WILLIAM T. JONES

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Paris, Berlin, and all other
Foreign Capitals

Patent Practice Exclusively

Solicitor of
UNITED STATES AND FOREIGN PATENTS
TRADE-MARKS and COPYRIGHTS

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PATENT MANUEL

INTRODUCTION.

The object of this pamphlet is to give, in a concise manner, full information as to the necessary steps to secure patents, caveats, trademarks, labels, prints and copyrights, the cost thereof, and such other information as will be of general interest to the inventor.

Mr. William T. Jones was formerly connected with one of the most reputable Patent law firms of this city, and in this capacity rendered valuable assistance to many of the leading manufacturing concerns in the United States. His thorough knowledge of mechanics and technical subjects enables him to give to inventors the highest class of expert service in the preparation and prosecution of applications. As a member of the bar of the Supreme Court and Court of Appeals of the District of Columbia, he is prepared to handle cases involving complicated legal questions, which qualification is invaluable, when it is noted that patent law is conceded to be one of the deepest, most subtle, and difficult branches of the whole science of the law.

WILLIAM T. JONES PATENT COUNSELOR
WASHINGTON, D. C.

WHAT IS A PATENT?

A PATENT is a contract entered into between the Government, acting for the Nation, and the inventor. The inventor gives to the public what it did not have before, a new invention, and in return the Government grants to the inventor, as consideration for such gift or valuable disclosure, a public franchise or privilege of the exclusive right in the invention for a certain limited period.

TERM OF A PATENT.

United States patents, except those for designs, are granted for a term of seventeen years, during which time the inventor, his successors, or assigns, has the exclusive right to manufacture and sell the invention and the monopoly of his inventive skill.

WHAT MAY BE PATENTED.

A patent may be obtained by any person who has invented or discovered any new and useful art (process), machine, manufacture, or composition of matter, or any new and useful improvement thereof, not known or used by others before his invention or discovery, and not patented or described in any printed pub-

lication before such invention or discovery, *or more than two years prior to his application,* and not in public use or on sale in the United States for more than two years prior to his application, unless the same is proved to have been abandoned.

Process Patent.

An art, which is sometimes called a process or method, is "an act or series of acts performed upon the subject-matter to be transformed and reduced to a different state or thing. Inasmuch as process or method claims are confined to no particular apparatus, but merely to the manner of doing a thing, they are very broad and have to be drawn with great care.

Mechanical Patent.

A machine is an instrument composed of one or more mechanical powers, and capable, when set in motion, of producing by its own operation certain predetermined physical effects. In other words, it is a mechanical means capable of performing a function and producing a result.

Inventions of this class form the greater number of patents, but the word "machine" has a much broader significance viewed in a

patent sense than it has commercially, as, for instance, a railroad car or a baby carriage while answering all conditions that go to make up a machine, yet would hardly be classified as such commercially.

Patents for Compositions.

Patents are granted for any new and useful composition of matter, such as chemicals, paints, wall plaster, artificial stone, roofing material, fire-proofing or water-proofing composition, etc.

We must in each instance be advised as to the name and quantity of each ingredient used, the manner of compounding them, and the use or uses to which the composition is put.

Medical Compounds.

Patents are granted for medical compounds, but under the present practice of the Patent Office it is a difficult matter to obtain an allowance of such a patent. The Patent Office officials hold that, as a rule, medical compounds are merely the result of a prescription, such as any physician might write, and that no invention is involved in making them. It is therefore, as a rule, advisable to secure trademark protection, which in some respects af-

fords greater protection than a patent, since in the application for registration of a trade-mark it is not necessary to disclose the formula, as must be done if application is made for a patent. Most of the so-called "patented medicines" are protected by trade-marks only.

Design Patents.

These patents, when properly prepared, are an important means of protecting industrial property. Such patents relate especially to form or configuration, but this may be an element of utility or economy, as well as one of appearance, in fact a design patent often proves of more value than one for an invention.

The use of design patents has grown very largely in recent years, and a number of very large business interests are based solely upon the protection afforded by such patents. Designs for silverware, cut-glass, wall papers, carpets, linen, woven fabrics of all kinds, jewelry, metal and clock cases are among the many which are the subject of such patents. Very often it is well for the proper protection of an invention that it be covered by both a mechanical patent and by a design patent.

Patents for designs are granted for the terms of three and a half years, seven years, or

for fourteen years, as the applicant may elect. After the applicant has elected how long he wishes the patent to run, no extensions can be made.

PRELIMINARY EXAMINATION.

Having perfected the invention, there should be absolutely *no delay* upon the part of the inventor in applying for a patent, it being frequent that the degree of diligence exercised by an inventor in lodging his application determines his right to priority of his invention.

Therefore, when your invention is completed, you should forward us sketches, photographs, or a model embodying the device, together with a *description of the operation and advantages of the invention, referring to the different parts by reference numerals and placing the numerals upon the sketches, etc., for designating the parts referred to.*

Upon receipt of this data we will promptly render an opinion, without charge, as to the utility and probable patentability of the invention. Owing to our experience, we are often able to advise clients at once that their inventions are not patentable. If we decide that a special "preliminary examination" is necessary to determine the question of patentability, we so inform the inventor, and state the cost of

the examination and report. This examination is a search, conducted by an expert, of all prior patents relating to a given invention—and is usually an arduous undertaking, owing to the fact that there are now very close to a million of patents, subdivided into ten thousand different classes. On completing this investigation, copies of the nearest patents to the invention, *if any be found,* are obtained, and, together with a full report as to the chances of securing a patent, are forwarded to the inventor. *The inventor is thus given an opportunity to judge for himself,* and it is our policy to always be conservative in our opinion, and to endeavor to show the inventor, previous to his making application for a patent, the obstacles that will have to be evaded, rather than persuade him to proceed with a case which possesses some unessential novelty. (See page 41.)

The cost of this examination is usually $5.00, which includes the report and copies of patents disclosed. In some cases, however, owing to technical difficulties and the vast number of patents required to be examined, it is not possible to make an exhaustive investigation for less than $25.00, or more. If the invention is met by prior patents, the amount paid for the search is the total expense, and the inventor is

thus *saved the cost of making application.*

The fee remitted for the preliminary examination is a separate fee, and is not applied towards the cost of a patent. It is desirable for the inventor to state whether he wishes the examination made. Our examination does not extend to foreign patents, or pending applications, which are secret and not open to inspection.

THE APPLICATION.

Formal application papers for a patent include a petition, specification, oath, and where necessary, drawings to clearly illustrate the device.

The Specification.

The specification should comprise a clear and accurate statement of the objects of the invention, and this should be followed by a brief description of the different views of the drawings, and a detailed technical description of the parts of the device and the complete operation, so that any one skilled in the art to which the invention relates may clearly understand the same. When thus fully described, the specification must conclude with a specific and distinct claim or claims of the part, improvement, or combination which the applicant regards as his invention or discovery.

As specifications are legal instruments, no less than descriptions of mechanical and philosophical and sometimes chemical improvements, it is desirable that they should always, before filed, be examined by some experienced lawyer, as well as by some machinist or other expert fully acquainted with its subject-matter. *Infinite expense and trouble would be yearly saved by this.*

The intention of the inventor, so as to effect the object designed, is to govern the construction of the language he employs. Inventors are not always educated or scientific men. Some of the most useful inventions have sprung up from an illiterate source. Genius is not always blessed with the powers of language.

The late Justice Sprague warned inventors in the following words: The advice of legal counsel is as useful in the preparation of such an instrument as in preparing a difficult deed or will (Hovey vs. Stevens, 2 Robb., 579).

The Supreme Court of the United States (case of Topliff vs. Topliff, 1892), in an opinion by Mr. Justice Brown, makes this statement:

"The specifications and claims of a patent, particularly if the invention be at all complicated, constitute one of the most difficult legal

instruments to draw with accuracy, and in view of the fact that valuable inventions are often placed in the hands of inexperienced persons, to prepare such specifications and claims, it is no matter of surprise that the latter frequently fail to describe with requisite certainty the exact invention of the patentee, and err either in claiming that which the patentee had not in fact invented, or in omitting some element which was a valuable or essential part of his actual invention.

This comment from the highest legal authority in the United States is an injunction and a warning to inventors to entrust their business only to experienced counsel.

Claims with which the specification is concluded, determine the *true face value of a patent.* Their supreme importance, therefore, is evident, and great care, ability, and judgment are required to draw them properly, and perseverance and careful argument are always required to secure their allowance.

If the invention is valuable and protected by valid generic claims, the patent will successfully stand judicial investigation and effectually protect the patentee against imitators or evaders; but on the other hand if the claims do not properly include the features of the invention, the patent is worthless.

Drawings.

An applicant for patent is required by law to furnish a drawing of his invention where the nature of the case admits of it. As certain rules and requirements of the Patent Office are strictly adhered to, the *inventor should never attempt to prepare his own drawings,* as the filing of an informal drawing will only result in his being compelled to furnish the Office with a new drawing made in conformity to the rules, thus causing him additional expense.

COST OF OBTAINING PATENTS.

We enumerate concisely below the charges incidental to the procurement of the various kinds of patents under our terms, the attorney's fee quoted in each instance being for a simple, uncomplicated case.

Process and Mechanical Patents—

First Government fee (payable on filing the application)	$15.00
Drawings (one sheet)	5.00
Attorney's fee	25.00
Final Government fee (payable any time within six months after allowance of the application)	20.00
Total	$65.00

Patents for Compositions and Medical Compounds—
These patents require no drawings—otherwise the fees are the same as in the case of a process or mechanical patent—Total.....$60.00
Design Patents—
Attorney's fee.....$15.00
Drawing (one sheet) usually..... 5.00
Government fee in full—
For three and a half year patent....$10.00
For seven year patent..... 15.00
For fourteen year patent..... 30.00

The amount of our attorney's fee varies, and is in all instances strictly governed by the character and volume of the technical service involved in the preparation and prosecution of the case.

Our clients are advised *at the outset,* when the report as to patentability is prepared, exactly how much the outlay will be, and are requested to remit a reasonable amount to apply on account for our services. All money should be sent by P. O. money order, bank draft, or check. We should also be furnished with the full name and address of the inventor or inventors, as the case may be.

Upon receipt of this information, together with the remittance, the necessary documents will be duly prepared and forwarded for ap-

proval and execution. A copy of the specification and claims, and blue prints of the drawings will be sent for the client's keeping. The original papers should be signed at the points indicated, before a notary public, the notary affixing his seal at the end of the oath, and returned with the balance due on the fees.

FILING THE CASE IN THE PATENT OFFICE.

As soon as the application is filed in the Patent Office, the inventor is protected against the grant, without his knowledge, of a patent for the same thing to another person. The official receipt is issued by the Patent Office and sent to the inventor when the application is filed.

PROSECUTION.

After the application is filed it receives, in its due turn (usually in from four to six weeks after filing), an official examination, when the Patent Office examiner makes such objections and cites such references to other patents as he thinks proper. We then examine the references and use our best endeavors, by written and oral argument, to remove the objections and procure the allowance of the case. On the second hearing, new objections and new references are often cited, and further time and

labor are then required on our part; and so on perhaps for a third, fourth, or fifth hearing. It will thus be seen that the work of prosecuting the application while before the Patent Office is very arduous and consumes considerable time. If so desired we will, at each stage of the proceedings, send our clients copies of the examiner's actions and of our replies thereto, and thus keep him fully informed with respect to what is being done in their behalf.

Appeals.

If, however, the Examiner cannot be convinced by the attorney's argument, and the attorney for his client refuses to amend, or if the Examiner believes the device to have no novelty whatever, or not to have required invention, and the attorney differs with him, the case is "finally rejected." From this final rejection an appeal may be taken to the Board of Examiners-in-Chief, to whom both sides of the argument are carefully presented. If they decide adversely to the applicant he may then appeal to the Commissioner of Patents, and from his adverse decision to the Court of Appeals of the District of Columbia. If, however, the Examiner is overruled by the Board or the Commissioner, the application is returned to him for allowance or other such action as may be necessary.

In the cases where an appeal is deemed necessary, our clients are so advised and at the same time fully informed as to the incidental expenses.

NOTICE OF ALLOWANCE.

The notice of allowance is a formal statement by the Patent Office that the application has been examined and allowed, and that the patent will issue upon payment of the final Government fee of $20.00. The patent must issue within six months of this notice of allowance or else the application will be deemed forfeited, and therefore the final Government fee should be paid within about five months of the date of this notice. A forfeited case may, however, be revived by a repayment of the filing fee of $15.00, when it is once more examined and passed through the regular routine before stated.

Interferences

It sometimes occurs that there are rival applications for patent on the same subject-matter before the Patent Office at the same time. Or it may be that a patent has been granted to a party who is not the first inventor thereof, which prior grant the first inventor, having filed his later application, desires to contest.

When this state of affairs exists the Office declares an "Interference," which is the proceeding to determine priority of invention. On proper notice each party makes a "Preliminary Statement," or a statement under oath, setting out the dates on which the invention was first conceived, put into practical operation, etc. After this has been filed, providing the interference has not been dissolved, testimony is taken by the respective parties to establish the allegations made in the preliminary statement and the case then goes to a hearing by the Examiner of Interferences. From his decision, appeal may be taken to the Board of Examiners-in-Chief. From the Board appeal lies to the Commissioner and from him to the Court of Appeals of the District of Columbia.

An interference contest is entirely apart from the ordinary prosecution of an application, and it is impossible to give any statement of the costs thereof. These depend upon the expenses in getting evidence, amount of testimony taken, printing of testimony, and the charge for attorney's services. The conduct of an interference case demands the greatest legal skill and the most careful attention in every particular.

It may be stated, however, for applicants' comfort, that the necessity for an interference

contest rarely arises, and the chances of it need not be apprehended.

REISSUES.

After a patent has been issued, no changes can be made in it except when the patent is

"Inoperative or invalid by reason of a defective or insufficient specification or by reason of the patentee claiming as his own invention more than he had a right to claim as new, if the error has arisen by inadvertence, accident or mistake and without any fraudulent or deceptive intention."

In these cases, and these *only,* the patent may be "Reissued" on payment of a Government fee of $30.00. Reissues are only granted on a clear showing by the applicant, his heirs or assigns, that the alleged error arose from accident or mistake. A reissue will not be allowed merely because an applicant or his attorney was negligent of the inventor's rights. *It will be clear to every inventor that the only safe course of procedure now is to have your work in the outset done honestly, for an honest purpose, and by competent hands, at whatever cost.*

Our fee for a "Reissue" is based on the probable work that will be involved, according to the nature of each particular case.

VALIDITY OF PATENTS.

Where a patent, or rights under it, are to be transferred, it is very necessary that the transferee should be fully acquainted with the scope of the patent and the validity of its claims. Too many times, a transferee takes without due knowledge of the extent to which he is protected by the claims of the patent he buys. If he were buying a piece of land he would have the title searched, in other words, an investigation made to see if it was clear, and if the deed was accurately descriptive of what was intended to be conveyed. The same pains should be taken to see that the validity of a patent is all that it pretends to be. The inventor should have an expert opinion as to the scope of the claims, and also an opinion as to whether the patent was subordinate to other patents which had been granted before. This can only be done by making an exhaustive search through the records of the Patent Office.

Again, a validity search is necessary where a manufacturer is desirous of using some particular device which is protected by a patent. In this case he desires to see if the patent is valid. If it is not valid, the patent is of no good in law and he can manufacture without regard to it. The search then is to find, if

possible, anticipatory devices which will show that the invention was not new when the patent was applied for.

We make validity searches with the greatest care and attention to the interests of our clients. Our charges depend, of course, upon the amount of work which is necessary for a complete knowledge of the state of the art in this country, and as far as possible, in European countries.

INFRINGEMENTS

Simply expressed, infringement of a patent consists in making, using, or selling that which is covered by the patent, without the consent of the owner. It is not, however, an infringement to take out a patent for an invention which is an improvement on a previous patent.

The general rule of law is, that the first original patentee is entitled to a broad interpretation of his claims. The scope of any patent is, therefore, governed by the inventions of prior date. To determine whether the use of a patent is an infringement of another generally requires a most careful examination of all analogous prior patents. An opinion based upon such research requires for its preparation much time and labor. The expense of these examinations, with written opinion, varies according to the labor involved.

Infringement suits must be brought in the Circuit Court of the United States, in the judicial district in which the infringer resides, or in which he shall have committed acts of infringement and have a regular and established place of business. As a result of a decree in favor of the plaintiff, a final or preliminary injunction is usually secured, also judgment for damages sustained.

We handle suits of infringement, injunction, and all such as relate to patent contracts generally.

TRANSFER OF PATENT RIGHTS

Every patent or any interest therein, under the provisions of the Revised Statutes, is assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under the patent to the whole or any specified part of the United States. The invention covered by a patent is assignable in part or in whole, either before or after the issuance of the patent.

When an undivided interest in a patent is assigned without restrictions or conditions, the assignee, however small his interest in the patent, may proceed to manufacture and to sell the patented articles without giving any ac-

counting or dividing any profits with the other owner or owners of the patent. It is also possible for such an assignee to sell and assign a portion of his interest in the patent, with the result that the second assignee may manufacture and sell as well as the assignee to whom the inventor transferred the interest. When we are requested to prepare deeds of assignment, we should be instructed what the conditions are to which the parties have agreed, how the profits are to be divided, and if the assignee is not to assign either the whole or a portion of the interest.

Every assignment affecting the title of a patent should be recorded in the Patent Office within three months of the date thereof, or it will be void as against any subsequent purchaser or mortgagee for a valuable consideration without notice. The assignee of an invention should, therefore always be sure that the instrument of assignment is duly recorded as his rights will be endangered if this is not done.

The cost of preparing, filing and recording an assignment is $5.00.

REGARDING TIME REQUIRED TO OBTAIN A PATENT.

Applications filed in the United States Patent Office are classified according to various arts,

and are taken up for examination in the regular order of filing, those in the same class of invention being examined and disposed of, as far as practicable, in the order in which the respective applications are completed. *There is no preference given to the examination of applications.*

Some divisions in the Patent Office are up-to-date, others are in arrears with their work, consequently it is impossible to state with accuracy how long it will take an application to merge into letters patent.

Ordinarily the time required is from two to three months—sometimes less, and sometimes more. As a matter of fact, time should not be considered as an important factor, when the invention is valuable and meritorious.

MARKING ARTICLES PATENTED

The law provides that all patented articles shall be marked with the word "Patented," together with the day and year the patent was granted, or, when from the character of the article this can not be done, by fixing to the article, or the package enclosing one or more of them, a label containing a like mark. A failure to so mark patented articles will prevent the recovery of damages, unless it is shown that the defendant was duly notified of the infringe-

ment and continued after such notice to make, use, or sell the article so patented.

After an application has been filed in the Patent Office, the inventor has the right to mark his invention with the words "Patent Applied For," and he is usually quite safe in putting the invention upon the market for sale when so marked, for, though he can not sue infringers, stop their wrongful manufacture and sale of his invention before his patent issues, or collect damages therefor accruing prior to the date of his patent, still as the infringer does not know how soon the patent may be issued and his unauthorized use of the invention stopped, he usually does not care to build a business and make an investment of capital upon such a poor foundation.

COPIES OF PATENTS.

Copies of patents granted since August 27, 1861, if in print, can be supplied at the rate of 10 cents each.

In ordering, give the number and date of the patent and the patentee's name, and forward the money with the order. If you have not the data mentioned, we will make an investigation for the patents desired for a reasonable charge.

FOREIGN PATENTS.

As a rule, inventors are satisfied with the protection afforded by a United States patent, *and overlook the fact that they are permitting other people in foreign countries to profit by their inventive genius.* If the United States patent is meritorious and valuable, the foreign patent is likely to prove valuable as well. There is a great demand in the principal foreign countries for the improvements which emanate from the brains of American inventors. Foreigners are quick to realize our progressiveness in all arts, and large remuneration is often derived by American inventors by the sale of their patents.

The American patent law contains a special provision in favor of the inventor who desires to secure patents in other countries, namely: It provides that after a U. S. patent is allowed, the application may remain in the secret archives of the Patent Office for a period not exceeding *six months,* thus enabling the inventor to arrange for his foreign patents *in advance of all other persons.* But if the *inventor permits the U. S. patent to issue before he has applied for foreign patents,* he loses the opportunity of obtaining them; for in many countries the patent is invalid if the

invention has been previously patented elsewhere; the inventor is thus deprived of the emoluments that he might easily have secured. Many valuable patents have thus been lost to inventors in European countries.

To obtain valid patents in foreign countries without curtailing the life of the home patent, requires the exercise of the greatest care and skill, and also a thorough knowledge of the patent laws of the different countries.

Upon request full particulars will be furnished as to any countries.

CANADIAN PATENTS.

The laws of Canada are modeled practically of the United States Patent laws, and every inducement is offered to the American inventor to procure patents there. One of the things it is important to know in connection with Canadian patents is that any user of the invention before patent is applied for in the Canadian Patent Office, may *continue to use said invention without rendering himself liable for infringement.*

The expense to apply for a Canadian patent is forty-five dollars for a simple case, which includes Government tax, agency, and all charges for six years, after which two additional terms of six years each may be obtained by the owner

of the patent on payment of twenty-five dollars each, making the entire term of the patent eighteen years. The patent may be applied for at the outset for eighteen years, at a cost of eighty-five dollars.

An application must be filed in Canada not later than during the year following the issue of the United States patent, after which time the invention becomes public property there.

CAVEATS.

Any person who has made a new invention or discovery and desires further time to mature the same, may file in the Patent Office a caveat setting forth the object and distinguishing characteristics of the invention, and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the Office and preserved in secrecy, and prevent the grant of a patent to another person for the same alleged invention upon an application filed during the life of the caveat without notice to the caveator.

A caveat confers no rights and affords no protection, except as a notice of an interfering application filed during its life giving the caveator the opportunity of proving priority of invention, if he is so desirous.

Hence, if the invention is perfected, it is far safer, more economical, and better in every way for an inventor to file his patent application at once, and avoid caveats.

The cost of a caveat is:

Government fee	$10.00
Drawing (one sheet)	5.00
Attorney's fee	10.00
Total	$25.00

TRADE-MARKS.

Generally speaking, a trade-mark may consist of any word which is not geographical in its nature, and which is *not descriptive of the goods to which it is applied.* It may be a "coined" word or words, a sign, symbol, picture, figure, autograph, monogram, or the like. It need not be new *in itself* but it must be new with respect to the *particular class of goods* to which it is applied. For instance, the coined word "Uneeda," registered for biscuits, might be appropriated by another and regsitered for an entirely different class of goods without infringing.

On February 20, 1905, Congress enacted a new law regarding the registration of trade-marks, to be in force and take effect on and after April 1, 1905. The advantages of this new law over the one which it superseded are:

1. The new law affords greater protection than was secured under the old act or at common law.

2. The old law did not protect a trade-mark used on goods sold in Interstate Commerce, while the new law does give this protection.

3. The new law provides for the delivering up of infringing labels for destruction and the prevention of entry of goods into this country bearing an infringing trade-mark; the recovery of damages; that suit may be brought in a U. S. court without regard to the citizenship of the parties or the amount involved.

4. Under the new law the registrant has a prima facie right to the trade-mark, and in the event of a suit or contest being brought, the burden of proof is upon that party who has not registered.

5. Furthermore, the new act provides that any mark, though not technically a trade-mark, may be registered if it has been in exclusive and continuous use for ten years next preceding the passage of the act, and is not registered.

To determine whether a trade-mark is registerable, a search should be made of the trade-mark records. Our charge for this search, including an opinion, is $5.00.

Preparation of Application.

With the application for registration of a trade-mark, the applicant is required to file five specimens or fac-similies of the mark as actually used, in addition to a drawing showing the mark. It is advisable, therefore, that we be furnished six or more of the specimens of the mark, so that we may have the number required for filing, one for use in making the drawing, and one or more for record in our file of the case.

To enable us to prepare the application for registration of trade-mark, we must be furnished with the name of the proprietor, his residence, and place of business, or, if a firm is the proprietor of the mark, the names of the individual members of such firm must be furnished, together with residences and the place of business of the firm. If a corporation or association is the proprietor of the trade-mark we must be furnished with the name of such corporation or association, together with the name of a duly authorized officer thereof, having the right to sign the corporate name or that of the association, as the case may be, and, in the case of a corporation, we must be advised under the laws of what state the corporation is organized or chartered. In each of

the foregoing instances the earliest date of the use of the mark should be stated.

Duration of Trade-Marks.

Under the new law, a certificate of registration shall remain in force for twenty years from its date, except that in case a trade-mark be previously registered by the applicant in a foreign country, such certificate shall cease to be in force on the day on which the trade-mark ceases to be protected in such foreign country, and shall in no case remain in force for more than twenty years, *unless renewed.*

Renewal.

A certificate of registration may be, from time to time, renewed for like periods on payment of the renewal fees required, upon request by the registrant, his legal representatives, or transferees of record in the Patent Office, and such request may be made at any time not more than six months prior to the expiration of the period for which the certificate of registration was issued or renewed.

Interference, Opposition and Cancellation.

Provision is made under the new law in case of conflicting applications pending in the Patent Office at the same time; also for any person who believes he would be damaged by the reg-

istration of a certain mark to another, and for the cancellation of a registered mark where the complainant deems himself injured. We will be pleased to advise full particulars as to any of these proceedings upon request.

Assignment

Assignments of trade-marks may be made in connection with the good will of a business. Unless recorded in the Patent Office within three months from date thereof an assignment is void against a subsequent purchaser for value without notice of the prior assignment.

Cost of Trade-Mark Registration.

Government fee in full	$10.00
Attorney's fee	10.00
Cost of drawing	5.00
Total	$25.00

Fees for interferences, opposition, cancellation, etc., can only be determined by the amount of labor involved in each case.

PRINTS AND LABELS.

Prints and labels are to be attached to bottles, boxes or packages containing articles of merchandise or relating to an article of merchandise but not borne by it, as an advertisement thereof, may be protected by registration in the Patent Office. They must, however, be an

"artistic and intellectual production" and not mere examples of *typesetters' skill.* If the print or label is essentially a trade-mark, and nothing more, it cannot be registered under the copyright law, but must be registered as a trade-mark. Fancy labels used on cigar boxes and pictures or posters used in advertising are examples of registrable prints and labels.

The cost of print or label registration is:

Government fee in full.....	$6.00
Attorney's fee.....	6.00
Total.....	$12.00

COPYRIGHTS.

Copyrights are granted for twenty-eight years, renewable for fourteen years more, to any citizen of the United States or resident therein, who shall be the author, inventor, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, photograph or negative thereof, painting, drawing, chromo, statue, model or design, not intended for use as a trade-mark or label.

It is absolutely necessary that the matter to be protected under this head either have some alleged *literary* value, or *artistic* value as a work of the *fine arts,* and not merely ornamental value as a work of "industrial" art. There is much confusion in the lay mind re-

garding copyright and it is supposed to be applicable to anything and everything, from a book to a letter filing scheme or advertising circular.

To obtain copyright, the title or description of the article or book must be filed with the Librarian of Congress on or before the day of publication, and to perfect the copyright two copies must be delivered to the Librarian not later than the day of publication.

Persons desiring to secure a copyright should send us their name and residence, the title of the book, map, cut, etc., and state whether they claim ownership as author, designer, or proprietor. The author's nationality should be given, or if a foreigner, whether he has declared his intention to become a citizen. Copyrights, like letters patent, may be assigned. The entire cost of a copyright is $5.00.

SPECIAL DEPARTMENT.

We have established a special draughting department, and for a nominal charge, with the assistance of skilled draughtsmen, will design or engrave cuts for trade-marks, labels, prints and furnish other illustrative matter needed in the promotion of inventions, etc. One or more colors, as may be desired, will be used. Upon receipt of the necessary data rough sketches will be submitted for approval.

THE VALUE OF INVENTIONS.

As we have heretofore stated, the value of a patent depends largely upon the skill with which the application was prepared and prosecuted before the Patent Office. It is impossible to establish a standard from which to estimate the commercial value of a patent. Many really valuable inventions failed to be remunerative to the inventors—because they placed too high a value on the same, and delayed until the days of usefulness for a device of that particular nature had passed, and the need therefor had been supplied by other inventors who, seeing the need for advancement in that particular art, applied their genius—perhaps along entirely different lines—and thus reaped the benefits. The value of a patent oftentimes depends as much on the energy and management as upon the invention itself. That patents really do pay, where the sagacity required for success in any business or pursuit is present, is shown by a multitude of successes. *Indeed modern civilization is only a cumulative result of many little inventions.* Fortunes have been made from inventions that to others than the inventor seem trivial and worthless. The advancement in all the arts is constantly opening new fields to those of an inventive nature, and

the opportunity to inventors to reap richly the rewards of their labors is greater to-day than ever before in the history of the world. The inventor must remember that it is the beginnings that are most difficult. One success renders the next easier, for it inspires confidence, both in the buying public and the investing capitalists.

SALE OF PATENTS.

Many inexperienced inventors have the mistaken idea that patent lawyers are in a position to advance the Patent Office fees and give their services for an interest in inventions. Other inventors presume that patent lawyers can secure financial partners, or parties who will pay the patent fees for a part interest. Still another class of inventors are of the opinion that patent counselors buy and sell inventions.

In answer to requests for aid in this particular we inform inventors that we consider it *unprofessional* to interest ourselves financially in their inventions. *The propriety of an attorney or solicitor of patents combining the business of soliciting with that of selling or assisting financially in the procurement of patents, is questionable.*

In fact the inventor is in a much better po-

sition to buy, sell, and interest others in his invention, and they are certainly responsibilities which he *alone* should assume.

Advertising in newspapers, circulars, pamphlets, etc., often effects the sale of a patent. The advertising should be promoted by the patentee, in his own name and address, and not by swindlers.

Another very profitable method for selling patents is the license and royalty plan, which is in the nature of a contract between the patentee and a partner or manufacturer, by which the latter in consideration of license to make the article, agrees to pay the patentee a specific sum upon each article made or sold.

FINANCIAL HELP.

Many inventors whose devices are of unquestioned merit and value are unable to apply for patents promptly on account of lack of funds. If you are thus situated we suggest that you forward us sketches and a description of the invention, which will be recorded on our books. These papers will be filed away for safe keeping, and substantial evidences of the date of invention is thereby secured without expense. You can then apply for the necessary funds to some friends or acqquaintances likely to take an interest in the patent. In

consideration of the fees it is usual to give a part interest in the patent, and an assignment covering such interest may be prepared and filed in the Patent Office, with the application papers. The patent will then issue to both parties jointly. (See page 20.)

One-fourth, or one-third, is generally considered an ample interest to allow in such cases, and the total cost of a patent for even a complicated invention is trifling compared with the amount of profit which the ownership of such interest should be worth. It is customary for inventors to allow a one-half interest in foreign patents to parties furnishing the funds required to obtain the same.

HOW AND WHAT TO INVENT.

Inventors, attracted by the advertisements of lists of "Inventions Wanted" send for such lists and proceed to work on suggestions therein contained, with the glittering prospect of a quick sale and immediate wealth, little thinking that many of the suggestions are old; some of the devices already patented, and the rest for the most part, things that are not in demand. This list is usually prepared by selecting a number of different articles from the Patent Office classification of inventions, and embraces such inventions as:

A carpet stretcher for stretching carpets and holding them while being tacked. (There are now over 200 patents on devices of this character.)

Something to take the place of shoe buttons and glove buttons that will be easy of attachment, cheap in manufacture, and which will hold the parts securely fastened. (There are now over 1,500 patents on fasteners that meet all of these requirements.)

The way to invent is to *keep thinking;* and to thought add *practical experiments.* Examine things about you and study how to improve them. Note all defects in the objects of everyday use about you, and see if you cannot devise some means of overcoming these defects.

Many opportunities may be taken advantage of by noting what is selling well in your neighborhood, or what is in general use or coming into use. Try to keep well informed of what is going on.

The following article is reprinted from "System," the Magazine of Business, April, 1908. Copyright by the System Company.

"Get an Idea.

"HAVE A NOSE" FOR IDEAS. HUNT THEM OUT. WORK, STRAIN, STRUGGLE—BUT PRODUCE IDEAS.

IDEAS HAVE MADE THE WORLD'S PROGRESS.

IT WAS AN IDEA THAT FED THE STALWART FAITH OF COLUMBUS; AN IDEA THAT TAUGHT THE OBSERVANT WATTS THE POWER OF A STEAMING KETTLE; AN IDEA THAT SHOT THROUGH FRANKLIN'S KITE CORD; IDEAS THAT HAVE STARTED EVERY NOTABLE ACHIEVEMENT AND SUCCESS THAT HAS EVER WON.

IDEAS ARE THE MEASURE OF YOUR POSSIBILITIES. THERE ARE NO LIMITATIONS: FROM A TEN-DOLLAR IDEA TO A FIFTY-THOUSAND-DOLLAR IDEA—THE CHOICE IS YOURS.

THINK YOUR IDEA—DETERMINE YOUR PLAN—INITIATE YOUR METHOD—WORK FOR THE RESULT.

But as the first step—*Get an Idea.*

ADVANTAGE OF HAVING A WASHINGTON ATTORNEY.

At the outset the inventor must consider the importance of selecting a Washington attorney for the transaction of his business before the United States Patent Office, as it frequently happens that a personal interview with one of the examining corps having charge of your

application is indispensable. It is a well recognized fact in numerous cases, not only in this profession, but generally speaking, that written correspondence is only a poor substitute for personal intercourse or communication.

DIFFERENCE BETWEEN PATENT ATTORNEY AND PATENT LAWYER.

A patent attorney, also known as a patent solicitor, can only practice before the Patent Office, and therefore labors under the personal disadvantage of actual personal contact with the United States Courts. In other words, a patent attorney or solicitor can be of no service to you should your patent be infringed or otherwise invaded as to require any litigation in court.

A patent lawyer is a person who practices before the Patent Office and the United States Courts, and therefore has all the equipment, experience, and the very best foundation for giving the inventor the highest degree of skill in preparing his case and prosecuting it before the Patent Office. You should recognize the importance of retaining those versed in the technical requirements of this special branch of the law.

"FREE EXAMINATION," ETC.

There are in this profession a number of "Patent Attorneys," and it is regretted to say "Lawyers," who cannot maintain a practice on the basis of their professional standing and resort to the making of "Free Examinations." Upon submitting an invention to these vaunting and self-lauding practitioners, an examination is made of the Patent Office records and you are advised that your invention is patentable, and to proceed accordingly, *without* ever seeing the nearest patents to your invention, and thus given an opportunity to *judge for yourself*. It is true that they do not advise you to go ahead unless they are confident of securing a patent, as they usually back their opinions up with a "guarantee certificate;" but you *do not* know whether the examination has disclosed patents that closely resemble your invention or not—in other words, whether it is worth your while to apply for a patent. Obviously, with this scheme, the promoters are the *sole* judges of the question of patentability, and consequently they can file more applications and receive more financial returns. They are not concerned with the *quality*—it is only the *quantity* of work.

Is it not logical and common sense to say

that a man's services are not worth more than what he charges for them? If he charges nothing, it would therefore seem that they are not worth anything. This being true, it would follow that a free examination is of no value. It is certainly better to spend $5 to find out what has been done in the line of your invention, than to spend from $65.00 to $100.00 for a patent for some unessential point of difference.

To show the *attitude* of the Commissioner of Patents to such "Attorneys" we refer you to the amended rule, enacted Feb. 5, 1908, under the provisions of section 483 of the Revised Statutes and with the approval of the Secretary of the Interior:

"The Secretary of the Interior may, after notice and opportunity for a hearing, suspend or exclude from further practice before the Patent Office any person, firm, corporation, or association shown to be incompetent, disreputable, or who refuses to comply with the rules and regulations thereof, or who shall, with intent to defraud, in any manner deceive, mislead or threaten any claimant or prospective claimant, by word, circular, letter or by advertisement or by *guaranteeing therein the successful prosecution of any application for patent or the procurement of any patent,* or which word, circular, letter or advertisement

shall contain therein any false promise or misleading representation."

EDWARD B. MOORE,
Commissioner.

Beware of any "No-Patent, No-Pay" systems or schemes whereby the Attorney's fee, in whole or in part, is not payable until the allowance of the application. These plans are logically bad for the inventor, as the Attorneys do not reap their *profit* until the case is allowed, and in order to keep money coming in, there is a *very strong* temptation to accept *weak* and *limited* claims, perhaps of no practical value to the patentee. Your *only* safe plan is to steer clear of schemes entirely, and employ a patent lawyer who is conservative in his fees and in his plan of conducting business. There are many good and reliable men in the patent profession, but you will not find a *first-class* man who includes in his method some catchy scheme.

CONCLUSION.

The foregoing remarks have been prepared with a view to answering many of the questions which are often asked us by inventors and others, and also for informing inventors with regard to many points with respect to which our experience has demonstrated they often desire to be advised. We therefore hope that these remarks will be of interest and profit. Many points have been touched upon very briefly, but if there are any subjects on which additional explanation is desired, or if there are any matters not herein mentioned, pertaining to patents, trade-marks, or copyrights, upon which fuller information is requested we will be very glad to furnish it. All letters or inquiries, whether making a demand upon our professional services or not, will be treated as confidential, and will be promptly answered to the best of our ability.

References

National Capitol Bank,
Washington, D. C.

Occidental Trust and Savings Bank,
Los Angeles, Cal.

Jas. Rees and Sons Co.,
Manufacturers of Marine and Locomotive Boilers, etc.,
Pittsburg, Pa.

Wright Manufacturing Co.,
Detroit, Mich.

Mesal Chemical Co.,
Chattanooga, Tenn.

The A. O. Jones Brick and Terra Cotta Co.,
St. Louis, Mo.

National Electric Supply Co.,
G. N. Schemmer, Asst. 2nd Vice-President,
Washington, D. C.

Harris Saddlery Co.,
Belleville, Ill.

Dresselhouse and Davidter,
Agricultural Implements,
Manchester, Mich.

San Dinas Lemon Association,
San Dimas, Cal.

References

J. R. Stevens Company,
Contracting Builders,
Covington, Ky.

Austin Separator Co.,
Detroit, Mich.

Baynham-Thurman Water-Wheel Co.,
Pomona, Cal.

Southern Collar and Bridle Co.,
Greensboro, N. C.

Additional references will be furnished upon application.

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